

REMARKS

This Amendment is submitted in response to the Office Action mailed on October 29, 2002. Claims 1, 13, 20 and 22 have been amended, and claims 1-24 remain in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 1-4, 6, 10-12, 20-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlaegel, U.S. Pat. No. 3,125,015 in view of Eason, U.S. Pat. No. 3,854,392. Claims 13-19 stand rejected under 35 § 103(a) as being unpatentable over Lopata, U.S. Pat. No. 5,471,915 in view of Eason. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlaegel in view of Eason and further in view of Hunot et al., U.S. Pat. No. 6,393,971. Lastly, claims 7-9 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlaegel in view of Eason and further in view of Wilson et al., U.S. Pat. No. 3,901,136. While Applicants respectfully traverse these rejections, Applicants have amended independent claims 1, 13, 20 and 22 to more sharply define the present invention over the prior art of record and respectfully request that the rejections be withdrawn.

Examiner has rejected independent claims 1, 20 and 22 over a hypothetical combination of Schlaegel and Eason. Independent claim 13 has been rejected over a hypothetical combination of Lopata and Eason. While Applicants respectfully traverse these hypothetical combinations set forth by Examiner, Applicants submit that these hypothetical combinations do not achieve Applicants claimed

invention as recited in each of amended independent claims 1, 13, 20 and 22 and the rejections should be withdrawn.

In particular, Applicants have amended each of independent claims 1, 13, 20 and 22 to recite that each roller tier is fixed relative to the housing. By contrast, the hypothetical combination sought by Examiner would result in the rotisserie attachment (10) of Eason rotating about an axis with respect to the housing (56) of Schlaegel and the housing (12, 14) of Lopata. Accordingly, the hypothetical combinations sought by Examiner fail to achieve Applicants' claimed invention which recites that each of the roller tiers is fixed relative to the housing as recited in each of independent claims 1, 13, 20 and 22. Accordingly, Applicants respectfully request that the rejections of independent claims 1, 13, 20 and 22 be withdrawn.

Moreover, as claims 2-12, 14-19, 21 and 23-24 depend from allowable independent claims 1, 13, 20 and 22, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

Applicants have amended claim 1 to overcome the objection to informalities. With respect to the Examiner's objection to the Abstract and specification which recites "metts", Applicants submit that this recitation is proper since a "mett" (also known as a "mettwurst") is a form of sausage that is typically grilled. Accordingly, Applicants respectfully request that the objection to this recitation be withdrawn.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made"**.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in black ink, appearing to read "David H. Brinkman", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In th Claims:

Claims 1, 13, 20 and 22 have been amended as follows:

1. (AMENDED) Apparatus for heating elongated food items, comprising:

a housing;

a first plurality of elongated rollers mounted for rotation relative to said housing in a first roller tier and spaced apart to receive the food items therebetween for contacting and transferring heat to the food items during rotation of said first plurality of rollers, said first roller tier being fixed relative to said housing; and

a second plurality of elongated rollers mounted for rotation relative to said housing in a second roller tier spaced vertically apart from said first roller tier and spaced apart to receive the food items therebetween for contacting and transferring heat to the [foot] food items during rotation of said second plurality of rollers, said second roller tier being fixed relative to said housing.

13. (AMENDED) Apparatus for heating elongated food items, comprising:

a housing having a pair of spaced apart side walls;

a first plurality of elongated rollers mounted for rotation between said side walls in a first roller tier and spaced apart to receive the food items therebetween for contacting and transferring heat to the food items during rotation

of said first plurality of rollers, said first roller tier being fixed relative to said housing;

a second plurality of elongated rollers mounted for rotation between said side walls in a second roller tier spaced vertically apart from said first roller tier and spaced apart to receive the food items therebetween for contacting and transferring heat to the food items during rotation of said second plurality of rollers, said second roller tier being fixed relative to said housing; and

a third plurality of elongated rollers mounted for rotation between said side walls in a third roller tier spaced vertically apart from said first and second roller tiers and spaced apart to receive the food items therebetween for contacting and transferring heat to the food items during rotation of said third plurality of rollers, said third roller tier being fixed relative to said housing.

20. (AMENDED) Apparatus for heating elongated food items, comprising:

a housing; and

a plurality of elongated rollers mounted for rotation relative to said housing and arranged into a plurality of vertically spaced apart roller tiers and spaced apart to receive the food items therebetween for contacting and transferring heat to the food items during rotation of said plurality of rollers, each of said plurality of roller tiers being fixed relative to said housing.

22. (AMENDED) A method of heating elongated food items by contacting the food items with a plurality of rollers mounted for rotation relative to a housing, the plurality of rollers being arranged into vertically spaced roller tiers with each roller tier being fixed relative to the housing, comprising:

contacting the food items with the plurality of rollers;

rotating the plurality of rollers; and

applying heat to the plurality of rotating rollers to transfer heat to the food items.